

26:8-40.20 to 26:8-40.26

LEGISLATIVE HISTORY CHECKLIST

NJSA: 26:8-40.20 to 26:8-40.26

(Birth defects registry - establish
in Department of Health)

LAWS OF: 1983

CHAPTER: 291

Bill No: S1757

Sponsor(s): Dalton, Zane and Rand

Date Introduced: September 23, 1982

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes

Amendments during passage denoted
by asterisks.

Date of Passage: Assembly: May 26, 1983

Senate: November 29, 1982

Date of Approval: August 4, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

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291 83
8-4-83
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SENATE, No. 1757

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 23, 1982

By Senators DALTON, ZANE and RAND

Referred to Committee on Institutions, Health and Welfare

AN ACT establishing a birth defects registry within the Department
of Health and repealing R. S. 9:13-5.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Legislature finds and declares that major birth defects
2 occur in approximately 1% of all births and are related to over
3 25% of all infant deaths; that while the cause of many birth
4 defects is unknown, there is much concern that certain birth defects
5 may be related to environmental factors such as pollution and toxic
6 chemicals; that in order to effectively address this public health
7 problem it is necessary to collect and compile complete and accurate
8 information concerning the occurrence of birth defects in this State;
9 and that a birth defects registry would provide a needed base of
10 information to analyze this problem and plan for and provide
11 services to children with birth defects and their families.

1 2. The State Department of Health shall establish and maintain
2 a birth defects registry which shall contain a record of all birth
3 defects that occur in New Jersey and any other information that
4 the department deems necessary and appropriate in order to con-
5 duct thorough and complete epidemiologic surveys of birth defects
6 that occur in this State and plan for and provide services to children
7 with birth defects and their families.

1 3. a. The Commissioner of Health, in consultation with the Public
2 Health Council, shall require the reporting to the Department of
3 Health of all cases where a pregnancy results in a **naturally*
4 *aborted** fetus or infant affected by a birth defect. The reporting

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendment adopted October 25, 1982.**

5 requirement shall apply to all infants from birth through one year
5A of age.

6 b. The Commissioner of Health shall determine the health care
7 providers and facilities which shall be required to report all birth
8 defects, the types of conditions or defects that shall be reported, the
9 type of information that shall be contained in the report and the
10 method for making the report.

1 4. The reports made pursuant to this act are to be used only by
2 the Department of Health and other agencies that may be desig-
3 nated by the Commissioner of Health and shall not otherwise be
4 divulged or made public so as to disclose the identity of any person
5 to whom they relate; and to that end, such reports shall not be in-
6 cluded under materials available to public inspection pursuant to
7 P. L. 1963, c. 73 (C. 47:1A-1 et seq.).

1 5. No individual or organization providing information to the
2 Department of Health in accordance with this act shall be deemed
3 to be or held liable for divulging confidential information.

1 6. Nothing in this act shall be construed to compel any individual
2 to submit to a medical examination or to Department of Health
3 supervision.

1 7. The Commissioner of Health shall promulgate rules and
2 regulations necessary to effectuate the purposes of this act.

1 8. R. S. 9:13-5 is repealed.

1 9. This act shall take effect 30 days following enactment.

9 type of information that shall be contained in the report and the
10 method for making the report.

1 4. The reports made pursuant to this act are to be used only by
2 the Department of Health and other agencies that may be desig-
3 nated by the Commissioner of Health and shall not otherwise be
4 divulged or made public so as to disclose the identity of any person
5 to whom they relate; and to that end, such reports shall not be in-
6 cluded under materials available to public inspection pursuant to
7 P. L. 1963, c. 73 (C. 47:1A-1 et seq.).

1 5. No individual or organization providing information to the
2 Department of Health in accordance with this act shall be deemed
3 to be or held liable for divulging confidential information.

1 6. Nothing in this act shall be construed to compel any individual
2 to submit to a medical examination or to Department of Health
3 supervision.

1 7. The Commissioner of Health shall promulgate rules and
2 regulations necessary to effectuate the purposes of this act.

1 8. R. S. 9:13-5 is repealed.

1 9. This act shall take effect 30 days following enactment.

STATEMENT

This bill establishes a birth defects registry in the Department of Health which will provide the department with up-to-date, complete information on the occurrence of birth defects in this State and enable the department to plan for and provide services to children with birth defects and their families.

The bill requires that all cases where a pregnancy results in a fetus or live-born infant who is affected by a birth defect be reported to the department and compiled in a birth defects registry. The reporting requirement applies to all infants from birth through one year of age since many defects are not apparent at birth and are identified later in the infant's first year. Further, in order to insure the data concerning birth defects is complete, the bill requires that defects in fetuses that are not live-born also be reported.

Other provisions of the bill provide that all information reported to the registry shall be held confidential and that nothing in the act shall be construed to compel any person to submit to a medical examination or Department of Health supervision. The bill repeals R. S. 9:13-5 which required the reporting of the birth a crippled child within 30 days. The provisions of this law, originally adopted in 1928, are no longer adequate to insure that complete information concerning the incidence of birth defects is obtained by the department.

51757 (1982)

ASSEMBLY CORRECTIONS, HEALTH AND
HUMAN SERVICES COMMITTEE

STATEMENT TO
SENATE, No. 1757
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STATE OF NEW JERSEY

DATED: FEBRUARY 28, 1983

This bill would establish a birth defects registry in the Department of Health to provide the department with accurate and complete information on the incidence of birth defects in New Jersey, and to assist the department in planning and providing services for children with birth defects and their families.

The bill would repeal R. S. 9:13-5 (P. L. 1928, c. 126), which requires that the birth of a crippled child be reported within 30 days. This law applies only to "visible" defects and is no longer adequate to provide the department with complete, up-to-date information.

As amended by the Senate committee, the bill requires that birth defects in naturally aborted fetuses, as well as infants, be reported to the Department of Health.

The Assembly committee amended the bill to require the reporting of a birth defect in an electively aborted fetus after 15 weeks of gestation and to provide for a more strict assurance of confidentiality for reports of birth defects.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 1757
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: OCTOBER 25, 1982

This bill establishes a birth defects registry in the Department of Health to provide the department with up-to-date, and complete information on the occurrence of birth defects in this State. The registry also will enable the department to plan for and provide services to children with birth defects and their families.

The bill repeals R. S. 9:13-5 which required the reporting of the birth of a crippled child within 30 days. The provisions of this law, originally adopted in 1928, are no longer adequate to insure that complete information concerning the incidence of birth defects is obtained by the department.

The committee made a technical amendment to the bill to clarify that the reporting requirement shall apply to naturally aborted fetuses as well as infants.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

THURSDAY, AUGUST 4, 1983

Governor Thomas H. Kean today signed legislation to establish a birth defects registry within the State Department of Health and to require the Department to provide counseling services to children with birth defects and their families.

The legislation, S-1757, was sponsored by Senator Daniel Dalton, D-Camden.

"Birth defects occur in 1 percent of all births and are related directly to 25 percent of all infant deaths," the Governor said. "To begin to solve this serious health problem, it is essential that information be collected concerning birth defects."

The legislation provides that the Department of Health maintain confidential records covering infants up to one year old and any fetus aborted prior to live birth and found to have malformation.

"This legislation replaces a 55-year old statute which required the reporting of birth defects and places New Jersey in a far more advantageous position with respect to not only helping to determine the cause of birth defects, but in providing services and assistance to infants and their families," Kean said.

The new law is effective in 30 days.

Kean also signed legislation to provide for the regulation and licensing of physical therapists and physical therapist assistants. The bill establishes a State Board of Physical Therapy within the Division of Consumer Affairs to license and regulate the practice of physical therapy.

The bill, A-2057, was sponsored by Assemblyman Joseph Doria, D-Hudson.

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